

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
(CENTRAL DIVISION)

FILED  
IN CLERKS OFFICE

2004 AUG -6 P 1:11

ELIZABETH R. STEFFENBERG,  
Plaintiff

v.

T. GENE GILMAN, STEVEN GILMAN,  
THE GILMAN INSURANCE  
AGENCY, INC., DAVID M. SCOLL,  
ARBOR SECURITIES, LTD.,  
ALLIANCE INVESTMENT  
MANAGEMENT, COMMONWEALTH  
FINANCIAL HOLDINGS INC.,  
FINANCIAL LINKS, INC.,  
T. GILMAN & CO., LTD.,  
FIRST ALLIED SECURITIES, INC.,  
PENSON FINANCIAL SERVICES, INC.,  
AVIVA LIFE INSURANCE COMPANY,  
TRADETEK, LTD., and TRADETEK, LLC,  
Defendants.

CIVIL ACTION NO.

NO. 04-40113-FDS

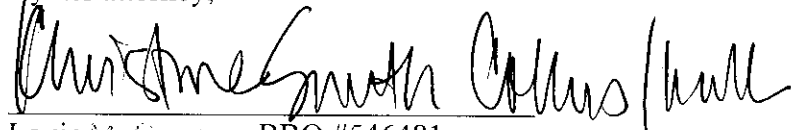
U.S. DISTRICT COURT  
DISTRICT OF MASS.

PARTIAL STIPULATION OF DISMISSAL WITH PREJUDICE

The parties to the above-entitled matter hereby stipulate, pursuant to Fed. R. Civ. P. 41(a)(1)(ii), that the plaintiff's RICO claim (Count XI of the Plaintiff's Second Amended Complaint) be dismissed with prejudice as against defendant Aviva Life Insurance Company without costs, interest or attorneys' fees and all rights of appeal are hereby waived.

ELIZABETH R. STEFFENBERG

By her attorney,



Louis M. Ciavarra, BBO #546481

Christine Smith Collins, BBO #639253

Bowditch & Dewey, LLP

311 Main Street


P. O. Box 15156

Worcester, MA 01615

(508) 926-3441

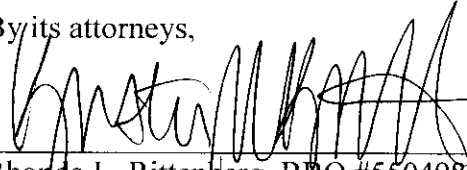
DAVID M. SCOLL

By his attorneys,

  
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George C. Rockas, BBO #544009  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP  
155 Federal Street  
Boston, MA 02110  
(617) 422-5300

AVIVA LIFE INSURANCE COMPANY

By its attorneys,

  
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Rhonda L. Rittenberg, BBO #550498  
Kristin M. Knuuttila, BBO #633828  
Prince, Lobel, Glovsky & Tye LLP  
585 Commercial Street  
Boston, MA 02109  
(617) 456-8000

Date: 8/5/04